

REMARKS

This application has been reviewed in light of the Office Action mailed September 26, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 17 and 34 – 40 are pending in the application with Claims 1 and 34 being in independent form. By the present amendment, Claims 1, 34 and 40 have been amended and Claim 5 has been canceled.

Support for the features recited in amended Claims 1 and 34 can be found throughout the specification. For example, features recited in Claims 1 and 34 find support in Claim 5 as originally filed, page 22, lines 1 – 24; page 46, line 25 – page 49, line 13; and page 53, lines 4 – 16. Consequently, no new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 34, 36 and 37 Under 35 U.S.C. § 102(b)

Claims 34, 36, 37 and 39 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,395,366 issued to D'Andrea et al. (hereinafter, "D'Andrea").

D'Andrea fails to disclose acquiring in-vivo information by temporarily indwelling in a body cavity a plurality of in-vivo information acquisition apparatuses for acquiring in-vivo information in the body cavity, each of the plurality of in-vivo information acquisition apparatuses having unique identification information, as recited in amended Claim 34.

Therefore, as demonstrated above, because D'Andrea does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 34, 36, 37 and 39 under 35 U.S.C. § 102(b).

II. Rejection of Claims 1 – 17, 35, 38 and 40 Under 35 U.S.C. § 103(a)

Claims 1 – 4, 6 – 8 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Publication No. 2002/0111544 (hereinafter, “Iddan”) in view of U.S. Publication No. 2001/0051766 (hereinafter, “Gazdzinski”); Claims 5 and 10 – 14 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Iddan in view of Gazdzinski and further in view of U.S. Patent No. 6,240,312 issued to Alfano et al. (hereinafter, “Alfano”); Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Iddan in view of Gazdzinski and further in view of U.S. Patent No. 7,063,671 issued to Couvillon, Jr. (hereinafter, “Couvillon”); Claims 15 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Iddan in view of Gazdzinski and Alfano and further in view of U.S. Publication No. 2002/0132226 (hereinafter, “Nair”); Claims 35 and 38 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over D’Andrea in view of U.S. Patent No. 5,279,607 issued to Schentag et al. (hereinafter, “Schentag”); and Claim 40 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over D’Andrea in view of U.S. Publication No. 2002/0042562 (hereinafter, “Meron”).

Iddan concerns a system and method for determining in-vivo body lumen conditions. Iddan discloses the system for determining in-vivo body lumen conditions having a through opening 38', an interaction chamber 38, and a battery 31 (See: para. [0046] – [0047]).

Gazdzinski concerns an endoscopic smart probe and method. Gazdzinski discloses a radio frequency identification (RFID) tag 1702, which is installed within or made part of the autonomous smart probe (See: para. [0023]).

Alfano concerns a remote-controllable, micro-scale device for use in in-vivo medical diagnosis and/or treatment. Alfano discloses a suction-type conveyor belt 53 for enabling the device to move along the surfaces of internal organ (See: col. 4, line 65 – col. 5, line 10).

However, Alfano does not specifically disclose any solutions such as "an indwelling section for affixing to a tissue surface in the body cavity" as recited in the amended Claim 1.

Therefore, Iddan, Gazdzinski and Alfano, taken alone or in any proper combination, fail to disclose or suggest an indwelling section for affixing to a tissue surface in the body cavity, as recited in amended Claim 1.

In addition, as presented above, D'Andrea fails to disclose, or even suggest, the features recited in Claim 34. Moreover, neither Schentag nor Meron, taken alone or in any proper combination, overcome the deficiencies present in D'Andrea. Consequently, since Claims 35, 38 and 40 depend from independent Claim 34, and thus include all the features recited by that independent claim, D'Andrea, Schentag and Meron, taken alone or in any proper combination, fail to disclose or suggest the features of Claims 35, 38, and 40.


Therefore, Claims 1 – 4, 6 – 17, 35, 38 and 40 are believed to be allowable over the cited prior art references. Accordingly Applicants respectfully request withdrawal of the rejection with respect to Claims 1 – 4, 6 – 17, 35, 38 and 40 under 35 U.S.C. § 103(a).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 4, 6 – 17 and 34 – 40 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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